

REMARKS

Applicants hereby add new claims 27-31. Accordingly, claims 1-31 are pending in the present application.

Claims 1-26 stand rejected under 35 USC 102(e) for anticipation by U.S. Patent No. 6,038,316 to Dwork et al.

Applicants respectfully traverse the rejections and urge allowance of the present application.

Applicants note the requirements of MPEP §2131, which states that "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM." This MPEP section further states that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Referring to claim 1, the Office Action on pages 2-3 states that Col. 6, lines 38-44 of Dwork teach the claimed *creating the encrypted authentication message which may be decrypted using a recipient's key known to the authorized user*. Applicants respectfully submit these teachings of Dwork are void of the *recipient's key* which may decrypt the authentication message. In particular, the identified teachings disclose the user provides a user identifying number n to the authentication logic which provides the signet pair a, n. The teachings of Dwork regarding n fail to disclose that such comprises a *key known to the recipient* for decrypting the authentication message but rather such is utilized by logic 46 to generate the signet pair a, n which may be used by the user to obtain the key K at col. 7, lines 60+ which was provided by the system 12. Further, the teachings are void of disclosing the *encrypted authentication message in addition to the claimed encrypted content message*. The claimed creating the encrypted authentication message which may be decrypted using a recipient's key is not disclosed nor suggested by the prior art and claim 1 is allowable for at least this reason.

The method of claim 1 further recites *fixing the encrypted content message*

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and encrypted authentication message onto a tangible medium. The Office relies upon teachings in cols. 6 and 7 as allegedly disclosing the claimed fixing. However, the "additional information" of col. 6, lines 27-28 is void of disclosing the claimed encrypted authentication message. There is no evidence whatsoever that the "additional information" is encrypted at all. The teachings in col. 7 merely refer to *distribution of content* and fail to disclose or suggest *fixing an encrypted authentication message in addition to the encrypted content message*. Further, Fig. 1 of Dwork discloses *communicating the encrypted content and the signet pair using different media* (i.e., signet pair a, n is communicated using medium 26 of Fig. 1 while the content is communicated using different medium 24 of Fig. 1) which fails to disclose or suggest the claimed fixing. The claimed fixing is not disclosed nor suggested by the prior art and claim 1 is allowable for this additional reason.

Further, the claimed allowing the *recipient to obtain the content decryption key if a valid reply based upon the decrypted authentication message has been received* is not disclosed nor suggested by the prior art. The Office relies upon the teachings in cols. 6-7 in support of the rejection. However, lines 38-39 of col. 6 and lines 55-56 of col. 7 disclose producing an authentication signal a in response to receiving a user number n to produce a digital signal pair a, n. Dwork is void of any teaching or suggestion that the *user number n is a valid reply based upon a decrypted authentication message*. To the contrary, Dwork merely discloses that value a is produced in response to a user identifying number n with absolutely no teaching or suggestion that the user identifying number is based upon a decrypted authentication message as claimed. These limitations of claim 1 are not disclosed nor suggested by the prior art and claim 1 is allowable for at least this compelling reason.

Applicants have identified above that the prior art fails to disclose or suggest elements arranged as defined by the limitations of the claims. In the event that a rejection of the claims is maintained with respect to the prior art, or a new rejection made, Applicants respectfully request identification *in a non-final action* of elements which allegedly correspond to limitations of the claims in accordance with 37 C.F.R §1.104(c)(2). In particular, 37 C.F.R §1.104(c)(2) provides that *the pertinence of each reference, if not apparent, must be clearly explained and each*

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rejected claim specified. Further, 37 C.F.R. §1.104(c)(2) states that the Examiner must cite the best references at their command. When a reference is complex or shows or describes inventions other than that claimed by Applicants, the particular teachings relied upon must be designated as nearly as practicable. The pertinence of each reference if not apparent must be clearly explained for each rejected claim specified. Applicants respectfully request clarification of the rejections with respect to specific references and specific teachings therein pursuant to 37 C.F.R. §1.104(c)(2) in a non-final Action if claim 1 is not found to be allowable.

Applicants respectfully request identification of teachings in the art which allegedly disclose the above recited limitations as well as the plural keys including the content decryption key and the recipient's key recited in claim 1 so Applicants may appropriately respond if claim 1 is not allowed.

The claims which depend from independent claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to independent claim 10 the *article comprises a tangible medium and an encrypted authentication message in addition to the encrypted content message both fixed on the tangible medium.* The Office recites teachings in col. 7, lines 25-40 as allegedly disclosing the claimed encrypted authentication message. Applicants respectfully disagree. More specifically, the identified teachings merely provide that encrypted content is distributed along with N and whatever other values are required to be stored with the content. *N and the other values are not disclosed as being encrypted nor are they disclosed as comprising an authentication message.* Further, Dwork is void of teaching or suggesting a decrypted authentication message obtained using a recipient's key or the recipient using the decrypted authentication message to send a valid reply to the sender. These positively claimed limitations of claim 10 are not disclosed nor suggested by the prior art and claim 10 is allowable for at least this additional reason.

If claim 10 is not allowed, and again referring to the above-noted portions of the CFR, Applicants respectfully request issuance of a non-final Action to cure at least the above-identified deficiencies of the identified teachings of Dwork so Applicants may appropriately respond during the prosecution of this application.

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The claims which depend from independent claim 10 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to independent claim 19, it is stated on page 7 of the Action that that teachings in cols. 6 and 11 disclose the claimed receiving. Applicants respectfully disagree. More specifically, the teachings in col. 6, lines 27-37 merely disclose that encrypted content and "additional information" are stored. The receiving of claim 19 recites the receiving the *tangible medium having an encrypted authentication message and an encrypted content message*. The teachings of col. 6 are void of any teaching or suggestion of the additional information being encrypted and are void of the claimed encrypted authentication message. Further, the teachings in col. 11 refer to a variation of the extrication function. However, there is no teaching of performing the extrication function to decrypt the additional information or any other encrypted data which is fixed to the tangible medium having the encrypted content message thereon. The extrication function is disclosed at col. 7, lines 64+ as being performed upon the signet pair, however, the signet pair is not fixed to the medium to which the encrypted content message is fixed as positively defined in claim 19. These limitations are not disclosed nor suggested by the prior art and claim 19 is allowable for at least this reason.

The Office relies upon the teachings of col. 6, lines 38-49 referring to the claimed using of the recipient's key. However, the identified teachings of Dwork refer to the user providing a user number n and the system 12 generating the signet pair a, n using the user number n. There is no teaching or suggestion that the *user number n is a recipient's key or that such is used to decrypt any data let alone the specifically claimed encrypted authentication message* as positively claimed. The claimed using the recipient's key is not disclosed nor suggested by the prior art and claim 19 is allowable for this additional reason.

Claim 19 also recites *creating a valid reply using the decrypted authentication message*. The Office identifies the teachings in col. 7, lines 55-56 in support of the rejection. However, the teachings in col. 7 refer to the system 12 providing the authorization signal value a responsive to the user number n. Dwork is void of disclosing or suggesting *a, n or the signet a, n are created using any*

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decrypted information let alone the claimed decrypted authentication message as positively claimed. Claim 19 is allowable for this additional reason.

Further, claim 19 recites sending the valid reply to the sender. The Office has failed to identify any teachings which allegedly disclose the claimed sending. To the contrary, Dwork discloses the sender system 12 performing the processing of the user number n to provide the signet pair a, n. Dwork fails to disclose the claimed sending and claim 19 is allowable for at least this reason.

Referring again to the above-noted portions of the CFR, Applicants respectfully request issuance of a non-final Action if claim 19 is not allowed to cure at least the above-identified deficiencies of the identified teachings of Dwork so Applicants may appropriately respond during the prosecution of this application. For example, Applicants respectfully request identification of the specific teachings relied upon as allegedly disclosing the claimed sending.

The claims which depend from independent claim 19 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Applicants hereby add new claims 27-31 which are supported at least by Figs. 1A, 1B, 2A, 2B, and 3 and the associated specification teachings of the originally-filed application.

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

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